

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF NORTH CAROLINA

REYNOLDS INNOVATIONS, INC.)	
Plaintiff,)	
)	
v.)	CASE NO. 1:11CV581
)	
E-CIGARETTEDIRECT, LLC, et al.,)	
Defendants.)	

ORDER

In this action, Defendants have submitted documents captioned Defendants [sic] Motion for Final Judgement and Permanent Injunction by Default Filed 10/12/2011, Defendants [sic] Motion to Vacate Default Filed 09/12/2011, Defendants [sic] Response to Plaintiff's Complaint Filed 07/20/2011, and Defendants [sic] Motion to Remove Individual Names from Complaint Filed 07/20/2011, all marked "/s/ Michael Keith King" as "Representative for: E-CigaretteDirect, LLC[, Veppo, Inc.[, and] Sabina King." Upon review, the document is found to be deficient as checked below:

- ☐ Lacks a proper case caption. Fed. R. Civ. P. 7 & 10 & Appendix of Forms.
- ☒ Lacks an original signature. Fed. R. Civ. P. 11.
- ☐ Lacks a certificate showing service of the document on all parties. Fed. R. Civ. P. 5. Service on the Clerk of Court does not constitute service on the parties.
- ☒ Lacks the signature of a member of this Court's bar. Local Rule 83.1(c). If the document was signed by a N.C. attorney who is not admitted to the Middle District of North Carolina, that attorney's appearance will not be entered in the case until admission to this Court. Therefore, no future mailings from this Court will be sent until admission.
- ☐ Lacks the attorney's address, telephone number, or State Bar number. Local Rule 7.1(c).
- ☐ Is not on letter size paper. Local Rule 7.1(a).

- ___ Is not double spaced. Local Rule 7.1(a).
- ___ Does not have margin at top of each page of not less than 1¼" and right and left margins of not less than 1". Local Rule 7.1(a).
- ___ Motion for an extension of time does not show good cause, consultation with and views of opposing parties. Local Rule 6.1(a).
- ___ Motion not accompanied by a supporting brief. Local Rule 7.3(a).
- ___ Exceeds the page limitation for brief or reply brief without prior approval. Local Rule 7.3(d).
- ___ Discovery motion does not contain statement of **personal** consultation. Local Rule 37.1.
- ___ Does not comply with Federal Rule of Civil Procedure 41, in that an answer or a motion for summary judgment has been filed; thus, a dismissal may be taken only with leave of court or agreement of opposing counsel.
- X The provisions of 28 U.S.C. §1654 govern the appearance of parties in federal court. An individual-party may appear personally or by counsel, but an organizational-party must appear by counsel. In re Tamojira, 20 Fed. Appx. 133, 133-34 (4th Cir. 2001); McGowan v. Cross, Nos. 92-1480, 92-1584, 991 F.2d 790 (table), 1993 WL 125416, at *3 n.1 (4th Cir. Apr. 22, 1993) (unpublished); Solomon v. Monongalia Cnty. Bar Ass'n, No. 90-1044, 914 F.2d 249 (table), 1990 WL 134607, at *1 (4th Cir. Sept. 19, 1990) (unpublished). Nor can a non-attorney represent an individual-party. See Myers v. Loudoun Cnty. Pub. Sch., 418 F.3d 395, 400 (4th Cir. 2005).

The document is hereby **STRICKEN** without prejudice to the filing of proper documents on or before December 30, 2011. Opposing parties need not respond to these stricken documents and the Court will not consider them. The response times of opposing parties to any corrected document(s) will run from the date of any corrected filing(s). In the event that the documents are not corrected and refiled, no response is necessary.

SO ORDERED this 28th day of November, 2011.

/s/ L. Patrick Auld
United States Magistrate Judge

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

REYNOLDS INNOVATIONS, INC.,)	
)	
Plaintiff,)	
)	
)	
vs.)	Civil Action No. 1:11-CV-581
)	
)	
E-CIGARETTEDIRECT, LLC d/b/a)	
"E-CIGARETTEDIRECT.COM";)	
VEPPO, INC. d/b/a "E-)	
CIGARETTEDIRECT" and)	
"VEPPOCIG.COM"; SABINA KING,)	
individually and d/b/a "E-)	
CIGARETTEDIRECT.COM" and)	
"VEPPOCIG.COM"; and MICHAEL)	
KEITH KING, individually and d/b/a "E-)	
CIGARETTEDIRECT.COM" and)	
"VEPPOCIG.COM",)	
)	
Defendants.)	
)	

DEFENDANTS RESPONSE TO PLAINTIFF'S COMPLAINT
FILED 07/20/2011

In no manner did the Defendants intend to mislead consumers into believing that the Plaintiff endorses, is associated with, or authorizes any of the products on the websites.

Though the images used on the websites stated in this case are not under trademark infringement of the Camel brand, out of respect for the wishes of the Plaintiff, the supposed marks have been removed permanently from the sites and disclaimers added. Labeling on product has also been changed to not include any reference to the Camel brand.

We have no products or advertising materials that bear the Camel trademarks.

This the 22nd day of October, 2011.

/s/ Michael Keith King

Michael Keith King

P.O. Box 2741

Parker, CO 80134

Telephone: 303-872-8188

keithk@e-cigarette-direct.com

Representative for:

E-CigaretteDirect, LLC

Veppo, Inc.

Sabina King

CERTIFICATE OF SERVICE

I hereby certify that on this date, I filed the foregoing **Response to Complaint for Civil Action No. 1:11-CV-581** with the Clerk of the Court using The United States Postal Service Express Mail with required delivery signature.

I further certify that copies were electronically mailed on September 2, 2011 and are also being deposited with the U.S. Mail, first class, postage prepaid, addressed to:

William M. Bryner
KILPATRICK TOWNSEND & STOCKTON LLP
1001 West Fourth Street
Winston-Salem, NC 27101

This the 22nd day of October, 2011.

/s/ Michael Keith King

Michael Keith King
P.O. Box 2741
Parker, CO 80134
Telephone: 303-872-8188
keithk@e-cigarette-direct.com

Representative for:
E-CigaretteDirect, LLC
Veppo, Inc.
Sabina King

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

REYNOLDS INNOVATIONS, INC.,)	
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Plaintiff,)	
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vs.)	Civil Action No. 1:11-CV-581
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E-CIGARETTEDIRECT, LLC d/b/a)	
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VEPPO, INC. d/b/a "E-)	
CIGARETTEDIRECT" and)	
"VEPPOCIG.COM"; SABINA KING,)	
individually and d/b/a "E-)	
CIGARETTEDIRECT.COM" and)	
"VEPPOCIG.COM"; and MICHAEL)	
KEITH KING, individually and d/b/a "E-)	
CIGARETTEDIRECT.COM" and)	
"VEPPOCIG.COM",)	
)	
Defendants.)	
)	

**DEFENDANTS MOTION TO REMOVE INDIVIDUAL NAMES FROM
COMPLAINT FILED 07/20/2011**

The Defendants motion the court to remove the individual names, Michael Keith King and Sabina King from this Civil Action, due to the fact that the individuals are protected under the rules of incorporation in the state of Colorado. Shareholders of a corporation and all LLC owners are protected from personal liability for business debts and claims.

This the 2nd day of November, 2011.

/s/ Michael Keith King

Michael Keith King

P.O. Box 2741

Parker, CO 80134

Telephone: 303-872-8188

keithk@e-cigarette-direct.com

Representative for:

E-CigaretteDirect, LLC

Veppo, Inc.

Sabina King

CERTIFICATE OF SERVICE

I hereby certify that on this date, I filed the foregoing **MOTION TO REMOVE INDIVIDUAL NAMES FROM COMPLAINT for Civil Action No. 1:11-CV-581** with the Clerk of the Court using The United States Postal Service Express Mail with required delivery signature.

I further certify that on November 2nd, 2011 copies were deposited with the U.S. Mail, first class, postage prepaid, addressed to:

William M. Bryner
KILPATRICK TOWNSEND & STOCKTON LLP
1001 West Fourth Street
Winston-Salem, NC 27101

This the 2nd day of November, 2011.

/s/ Michael Keith King_____

Michael Keith King

P.O. Box 2741

Parker, CO 80134

Telephone: 303-872-8188

keithk@e-cigarette-direct.com

Representative for:

E-CigaretteDirect, LLC

Veppo, Inc.

Sabina King

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

REYNOLDS INNOVATIONS, INC.,)	
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Plaintiff,)	
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"VEPPOCIG.COM"; SABINA KING,)	
individually and d/b/a "E-)	
CIGARETTEDIRECT.COM" and)	
"VEPPOCIG.COM"; and MICHAEL)	
KEITH KING, individually and d/b/a "E-)	
CIGARETTEDIRECT.COM" and)	
"VEPPOCIG.COM",)	
)	
Defendants.)	
)	

DEFENDANTS MOTION TO VACATE DEFAULT
FILED 09/12/2011

The defendants hereby motion the court to vacate the default judgement entered against them on the 12th day of September 2011.

A response to the complaint dated July 20, 2011 was sent to the attorney of the Plaintiff, William M. Bryner of Kilpatrick Townsend & Stockton LLP, via electronic mail on September 2, 2011. See Exhibit A.

A response to the complaint dated July 20th, 2011 has also been sent to the courts via USPS overnight mail on November 2, 2011.

The Defendants ask the forgiveness of the court for the late response filed with the court and that the Default Judgement be vacated.

This the 2nd day of November, 2011.

/s/ Michael Keith King

Michael Keith King

P.O. Box 2741

Parker, CO 80134

Telephone: 303-872-8188

keithk@e-cigarette-direct.com

Representative for:

E-CigaretteDirect, LLC

Veppo, Inc.

Sabina King

CERTIFICATE OF SERVICE

I hereby certify that on this date, I filed the foregoing **Motion to Vacate Default Judgement for Civil Action No. 1:11-CV-581** with the Clerk of the Court using The United States Postal Service Express Mail with required delivery signature.

I further certify that on November 2nd, 2011 copies were deposited with the U.S. Mail, first class, postage prepaid, addressed to:

William M. Bryner
KILPATRICK TOWNSEND & STOCKTON LLP
1001 West Fourth Street
Winston-Salem, NC 27101

This the 2nd day of November, 2011.

/s/ Michael Keith King_____

Michael Keith King
P.O. Box 2741
Parker, CO 80134
Telephone: 303-872-8188
keithk@e-cigarette-direct.com

Representative for:
E-CigaretteDirect, LLC
Veppo, Inc.
Sabina King

EXHIBIT A

September 2, 2011

William M. Bryner, N.C. State Bar No. 23022
Laura C. Miller, N.C. State Bar No. 34103
KILPATRICK TOWNSEND & STOCKTON LLP
1001 West Fourth Street
Winston-salem, NC 27101

Re: Response to Summons, Civil Action No. 1:11-CV-581

Dear Sir and Madam:

This letter is in response to the above stated case in the United States Court for the Middle District Court of North Carolina, of Reynolds Innovations, Inc. (Plaintiff) vs. E-CigaretteDirect, LLC, Veppo, Inc., Sabina King, Michael Keith King (Defendants)

In no manner did the Defendants intend to mislead consumers into believing that the Plaintiff endorses, is associated with, or authorizes any of the products on the websites.

Though the images used on the websites stated in this case are not under trademark infringement of the Camel brand, out of respect for the wishes of the Plaintiff, the supposed marks have been removed permanently from the sites and disclaimers added. Labeling on product has also been changed to not include any reference to the Camel brand.

We have no products or advertising materials that bear the Camel trademarks.

Sincerely,

Michael Keith King
Representative for
E-CigaretteDirect, LLC
Veppo, Inc.
Sabina King
Michael Keith King

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

REYNOLDS INNOVATIONS, INC.,)	
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Plaintiff,)	
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individually and d/b/a "E-)	
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"VEPPOCIG.COM"; and MICHAEL)	
KEITH KING, individually and d/b/a "E-)	
CIGARETTEDIRECT.COM" and)	
"VEPPOCIG.COM",)	
)	
Defendants.)	
)	

**DEFENDANTS RESPONSE TO PLAINTIFF'S MOTION FOR FINAL
JUDGEMENT AND PERMANENT INJUNCTION BY DEFAULT
FILED 10/12/2011**

The Defendants have responded to both the court and the Plaintiff on this complaint.

In no manner did the Defendants intend to mislead consumers into believing that the Plaintiff endorses, is associated with, or authorizes any of the products on the websites.

The Defendants did not commit any trademark infringements of the Camel brand and although the images and words used on the websites stated in this case are not under trademark infringement of the Camel brand, out of respect for the wishes of the Plaintiff, the supposed marks have been removed permanently from the sites and disclaimers

added. Labeling on product has also been changed to not include any reference to the Camel brand. We have no products or advertising materials that bear the Camel trademarks.

In response to the Plaintiff's requests in this Motion, the Defendants state:

1. The Defendants, their affiliates, officers, agents, servants, employees, attorneys, and those persons in active concert or participation with them, declare they will not use (a) the CAMEL Marks, as defined in the Complaint, or colorable imitations thereof; (b) visual or graphic depictions of a camel or of camels; and (c) any other trademark, name, logo or source designation of any kind that is confusingly similar to or dilutive of any trademarks owned by RII; and
2. The Defendants have never used any sources from which Defendants have obtained liquid nicotine or related products bearing any trademarks owned by RII, including but not limited to the CAMEL Marks; and
3. The Defendants feel they are not required to make any monetary payments to the Plaintiff because the Defendants committed none of the trademark infringements as accused by the Plaintiff. Also, the Plaintiff made no attempt to contact the Defendants directly to resolve the issues. The Plaintiff made the decision to pursue this matter via their attorney and the court system and not attempt to settle it with quick and simple communications with the Defendants. The Defendants feel the Plaintiff not only wasted their money but also wasted the time of the court and US taxpayers money.

Therefore, the Defendants ask that the court drop the case since the concerns of the Plaintiff have been satisfied by the Defendants. See Exhibit A.

This the 2nd day of November, 2011.

/s/ Michael Keith King

Michael Keith King

P.O. Box 2741

Parker, CO 80134

Telephone: 303-872-8188

keithk@e-cigarette-direct.com

Representative for:

E-CigaretteDirect, LLC

Veppo, Inc.

Sabina King

CERTIFICATE OF SERVICE

I hereby certify that on this date, I filed the foregoing **DEFENDANTS RESPONSE TO PLAINTIFF'S MOTION FOR FINAL JUDGEMENT AND PERMANENT INJUNCTION BY DEFAULT for Civil Action No. 1:11-CV-581** with the Clerk of the Court using The United States Postal Service Express Mail with required delivery signature.

I further certify that on November 2nd, 2011 copies were deposited with the U.S. Mail, first class, postage prepaid, addressed to:

William M. Bryner
KILPATRICK TOWNSEND & STOCKTON LLP
1001 West Fourth Street
Winston-Salem, NC 27101

This the 2nd day of November, 2011.

/s/ Michael Keith King
Michael Keith King
P.O. Box 2741
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Representative for:
E-CigaretteDirect, LLC
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Sabina King

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September 2, 2011

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Laura C. Miller, N.C. State Bar No. 34103
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Sincerely,

Michael Keith King
Representative for
E-CigaretteDirect, LLC
Veppo, Inc.
Sabina King
Michael Keith King